

F-6224

Ser. No. 09/319,126

assumed that this claim is allowable. It is further submitted that claims 7-12 should be allowed as they only depend from claim 6, either directly or indirectly.

Claims 10-12 and 16-19 are objected to as being dependent on a rejected base claim and would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 16-19 are objected to for informalities.

Claims 4 and 15 are rejected under 35 U.S.C. §102(b) as anticipated by Chase et al., U.S. Patent No. 3,431,061. Claim 3 is rejected under 35 U.S.C. §103(a) as obvious over Chase et al. Claims 5 and 7-9 are rejected under 35 U.S.C. §103(a) as obvious over Chase et al. in view of Wadas, Jr. U.S. Patent No. 5,718,851. Claim 13 is rejected under 35 U.S.C. §103(a) as obvious over Chase et al. in view of Seidner, U.S. Patent No. 5,447,686. Claim 14 is rejected under 35 U.S.C. §103(a) as obvious over Chase et al. and Seidner and further in view of Reeves et al., U.S. Patent No. 5,725,613. Claims 10-34 are newly added.

In the Specification

The specification is amended to include the generic terminology of DUALENE. No new matter has been added as this is a known definition of the material provided under the Trademark DUALENE.

F-6224

Ser. No. 09/319,126

Claim Objections

The Examiner objects to claims 6, 10-12 and 16-19, as discussed above. These claims are written in independent form, as necessary, including all of the limitations of the base claim and any intervening claims. In addition, the use of the word "dualene" is deleted from the claims. Accordingly, it is respectfully requested that all objections to the claims be withdrawn.

Rejections Under 35 U.S.C. §102(b) and §103(a)

The Examiner rejects claims 4 and 15 as anticipated by Chase et al. and claims 3, 5, 7, 8, 9, 13 and 14 as obvious over Chase et al. or Chase et al. in view of other references. (Claims 7-9 now corresponding to claims 20-22.) Applicants respectfully traverse these rejections. Independent claim 15 recites, in part,

the oxygen content inside the cover is less than 0.1 vol. % after an adjustment period of 3-10 days during the entire storage time.

As stated in the previous response, this limitation is not taught by the cited art. Specifically, the Chase et al. reference does not teach the present claimed oxygen content.

The Examiner has taken the position that the presently claimed invention is identical to that of the Chase et al. reference. This is not so. The disclosure of Chase et al. does not provide a closure with the claimed limitations of the present invention.

F-6224

Ser. No. 09/319,126

For instance, as a bottom cover, Chase et al. use a thermoplastic sheet of PE, PVC or similar materials (column 2, line 16). A single or multilayer covering of polyurethane foam is proposed to cover the wood (column 2, line 31).

Because of the different materials for the bottom sheet and the covering sheet, effective welding of the different materials with heat-welding equipment is precluded. The use of adhesives is also a problem under practical conditions of the site in Chase et al. Thus, the disclosure of Chase et al. does not provide a method that would achieve an oxygen content as presently claimed.

In regard to the Examiner's second position that a "cocoon" taught by the disclosure of Chase et al. would provide the claimed oxygen content, Applicants respectfully disagree with the Examiner that the claimed oxygen content of the present invention is achieved by this "cocoon." The "cocoon" in Chase et al. is not absolutely air-tight. In support of this position, Applicants hereby submit a declaration stating the same.

Accordingly, as the cited art fails to teach or suggest the presently claimed invention, it is respectfully requested that all rejections under 35 U.S.C. §102(b) and §103(a) be withdrawn.

F-6224

Ser. No. 09/319,126

APPENDIX I

AMENDED SUBSTITUTE SPECIFICATION PARAGRAPHS WITH
AMENDMENTS INDICATED THEREIN BY BRACKETS AND
UNDERLINING

Page 9: 1st full paragraph, is amended as indicated below:

Double-layered [dualene] DUALENE (a UV resistant plastic film, a UV stabilized film made from polyethylene) films were spread on a plane surface and 30 m³ of non-debarked spruce, diameter classes 15-25 cm, were placed on them. Two measuring flexible tubes were laid out in the stack and attached to the film using bulkhead fittings. According to Fig. 1, the projecting film was then drawn over the stack and both films-separate from each other-welded by a double weld seam. After about 3 days in summer, about 10 days in winter, the oxygen content reduces to under 0.1 %. The carbon dioxide content levels off at about 40 % (see Fig. 4). After a storage period of 24 months neither blue stain, nor red stripes, nor growth of *Armillariella* species could be detected. The bending strengths measured to DIN 52186 were not lower than those for green comparison samples (compare Fig. 5).

A I - 1

F6224 am02 (PC00).wpd

F-6224

Ser. No. 09/319,126

APPENDIX II
AMENDED CLAIMS WITH AMENDMENTS INDICATED THEREIN
BY BRACKETS AND UNDERLINING

7. (Twice Amended) Method according to Claim [5 or] 6 in which the films are welded either separately or simultaneously with double welds.

8. (Twice Amended) Method according to Claim [5 or] 6 in which the films are bonded with each other.

9. (Amended) Method according to Claim [5 or] 6 in which the films are arranged plane on top of each other, clamped between two strips, tightly, wrapped around said strips, and secured using a damping device.

10.(Twice Amended) Method according to Claim [15, 3, 4, 5, or] 6 in which gas measuring flexible tubes that penetrate the films are attached to the films using bulkhead fittings.

11.(Twice Amended) Method according to Claim [15, 3, 4, 5 or] 6 in which the bulkhead fittings are provided with extension hoses inside the cover, and the hose ends are laid showing to opposing sides of the space inside the cover.

A II - 1

F6224 am02 (PC09).wpd

F-6224

Ser. No. 09/319,126

16. (Amended) Method [according to claim 15,] for preservation storage of green round wood and sawn timber comprising stocking green round wood or sawn timber under a cover, whereby respiratory and fermentation processes by fungi, bacteria, and respiratory processes of wood cells that are still alive are promoted, wherein the cover is absolutely air-tight and light tight and thereby the oxygen content inside the cover is less than 0.1 vol. % after an adjustment period of 3-10 days during the entire storage time, and the CO₂ content is higher than 21 and up to 40 vol.% which to a great extent prevents the growth of wood-destroying fungi, wherein the cover is double layered [dualene] UV resistant plastic films.

17. (Amended) Method [according to claim 15,] for preservation storage of green round wood and sawn timber comprising stocking green round wood or sawn timber under a cover, whereby respiratory and fermentation processes by fungi, bacteria, and respiratory processes of wood cells that are still alive are promoted, wherein the cover is absolutely air-tight and light tight and thereby the oxygen content inside the cover is less than 0.1 vol. % after an adjustment period of 3-10 days during the entire storage time, and the CO₂ content is higher than 21 and up to 40 vol.% which to a great extent prevents the growth of wood-destroying fungi, wherein the cover is a double layered [dualene] UV resistant plastic film.

F-6224

Ser. No. 09/319,126

18. (Amended) Method [according to claim 15,] for preservation storage of green round wood and sawn timber comprising stocking green round wood or sawn timber under a cover, whereby respiratory and fermentation processes by fungi, bacteria, and respiratory processes of wood cells that are still alive are promoted, wherein the cover is absolutely air-tight and light tight and thereby the oxygen content inside the cover is less than 0.1 vol. % after an adjustment period of 3-10 days during the entire storage time, and the CO₂ content is higher than 21 and up to 40 vol.% which to a great extent prevents the growth of wood-destroying fungi, wherein the cover is [dualene] UV resistant plastic films.

19. (Amended) Method [according to claim 15,] for preservation storage of green round wood and sawn timber comprising stocking green round wood or sawn timber under a cover, whereby respiratory and fermentation processes by fungi, bacteria, and respiratory processes of wood cells that are still alive are promoted, wherein the cover is absolutely air-tight and light tight and thereby the oxygen content inside the cover is less than 0.1 vol. % after an adjustment period of 3-10 days during the entire storage time, and the CO₂ content is higher than 21 and up to 40 vol.% which to a great extent prevents the growth of wood-destroying fungi, wherein the cover is a [dualene] UV resistant plastic film.

F-6224

Ser. No. 09/319,126

Pending Claims

For the convenience of the Examiner, APPENDIX III is provided herewith having a complete set of pending claims with all amendments effected therein.

Fees

Ten further independent claims in excess of three are added. Accordingly, please charge the fee of \$840.00 to Deposit Account No. 10-1250. Please note that the number of claims in the application remains the same and the writing of claims in independent form merely incorporates the same subject matter previously written in dependent form. Thus, the writing of claims in independent form does not raise a new issue and does not require new search. Therefore, entry of the amendments should be granted.

Applicant respectfully requests a three month extension of time for responding to the Office Action. Please charge the fee of \$930.00 for the extension of time to Deposit Account No. 10-1250. A Notice of Appeal accompanies this response.

F-6224

Ser. No. 09/319,126

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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